



**FINAL ADMINISTRATIVE DECISION  
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Inchard, LLC  
DOCKET NO.: 13-01600.001-R-1  
PARCEL NO.: 09-33-326-005

The parties of record before the Property Tax Appeal Board are Inchard, LLC, the appellant, by attorney Dennis M. Nolan of Dennis M. Nolan, P.C. in Bartlett; and the Kane County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Kane County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$22,723  
**IMPR.:** \$40,777  
**TOTAL:** \$63,500

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Kane County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2013 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

**Findings of Fact**

The subject property is improved with a two-story dwelling of brick and frame construction with 1,770 square feet of living area. The dwelling was constructed in 1970. Features of the home include an unfinished basement, central air conditioning, one fireplace and a two-car attached garage with 400 square feet of building area. The property has a 10,584 square foot site

and is located in St. Charles, St. Charles Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on July 3, 2013 for a price of \$150,000. The appellant indicated that the property was purchased from the Secretary of Veterans Affairs and was sold through a Realtor. To document the sale the appellant submitted a copy of the settlement statement. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$70,543. The subject's assessment reflects a market value of \$211,777 or \$119.65 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Kane County of 33.31% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted evidence provided by the St. Charles Township Assessor. The assessor explained the subject property was purchased in July 2013 from the Secretary of Veterans Affairs for \$150,000 and transferred via a special warranty deed. She also stated the property had previously transferred in October 2012 for \$157,753 in a tax sale by a Sheriff's Deed.

In support of the assessment the board of review submitted information on six comparable sales improved with two-story dwellings of frame or frame and brick construction that ranged in size from 1,530 to 1,788 square feet of living area. The dwellings were constructed from 1969 to 1983. Each comparable had a basement with five being partially finished, central air conditioning and a garage ranging in size from 400 to 441 square feet of building area. Four of the comparables each had one fireplace. The comparables sold from June 2011 to March 2014 for prices ranging from \$190,500 to \$290,000 or from \$107.63 to \$189.54 per square foot of living area, including land.

#### **Conclusion of Law**

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86

Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the evidence in the record supports a reduction in the subject's assessment.

The appellant provided limited evidence concerning the sale of the subject property in July 2013 for a price of \$150,000. The appellant indicated the property was sold through a Realtor and provided a copy of the settlement statement disclosing that a commission was paid. This evidence indicates the property was exposed on the market but there was no evidence as to how long the property was on the market or how the property was advertised for sale. Absent evidence concerning how the property was advertised for sale or the length of time on the market, less weight is given the sale of the subject property.

The board of review submission included information on six sales provided by the assessor. The Board finds comparable sales #3 through #5 were the best sales provided by the board of review as these comparables were most similar to the subject in age and sold most proximate in time to the assessment date at issue. These comparables sold from April 2012 to July 2012 for prices ranging from \$190,500 to \$200,000 or from \$107.63 to \$115.61 per square foot of living area, including land. The subject's assessment reflects a market value of \$211,777 or \$119.65 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. Less weight was given the remaining comparable sales provided by the board of review based on differences from the subject in age, size and/or the sales did not occur proximate in time to the assessment date at issue.

Based on this record, considering the sale of the subject property and the best comparable sales provided by the board of review, the Board finds a reduction in the subject's assessment is appropriate.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

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Chairman



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Member



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Member



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Acting Member



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Member



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Acting Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: November 20, 2015



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Clerk of the Property Tax Appeal Board

**IMPORTANT NOTICE**

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.